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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/883,341

06/19/2001

Shlomo Orbach

ORBACH4

9649

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7590

02/23/2004

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EXAMINER

PAYNE, DAVID C

ART UNIT

PAPER NUMBER

2633

DATE MAILED: 02/23/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,341

Applicant(s)

ORBACH ET AL.

Examiner

David C. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Milton et al. US 6,631,018 B1 (Milton).

Re claim 1, Milton disclosed

A Grouped Optical Add Drop Multiplexer (GOADM) comprising a periodic filter (Figure 3 #10, Col. 4, lines 64-67) for forming a group of optical wavelengths (Figure 3 #12) to be dropped or added.

Re claim 2, Milton disclosed

The Grouped Optical Add Drop Multiplexer (GOADM) for dropping or adding a group of optical wavelengths from/to a spectrum of optical wavelengths transmitted over an incoming optical line so that adjacent optical wavelengths in the spectrum are initially spaced from one

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another by a basic step "s", (Col. 5, lines 40-45) the GOADM comprises said periodic filter insertable in the incoming optical line as a primary filter to produce said group of optical wavelengths where adjacent wavelengths of the group are spaced from one another by a group step being equal to ks , wherein k is an integer >1 . (Col. 5, lines 45-47)

Re claim 3, Milton disclosed

The GOADM provided with one or more secondary filters (Figure 3 #19) connected to said periodic filter (Figure 3 #10) serving a primary filter, wherein each of said secondary filters is responsible of dropping or adding one particular wavelength from said group. (Col. 5, lines 10-15)

Re claim 4, Milton disclosed

The GOADM according to claim 1, comprising an ADD module (Figure 3 #11, #18) and a DROP module (Figure 3 #10, #19), wherein the DROP module comprises a first said periodic filter (Figure 3 #10) serving as a primary DROP periodic filter and connected to a first assembly comprising one or more secondary DROP filters (Figure 3 #19) each responsible of separating a particular wavelength from the group, and wherein the ADD module comprises a second said periodic filter (Figure 3 #11) serving as a primary ADD periodic filter and connected to a second assembly comprising one or more secondary ADD filters (Figure 3 #18) each responsible of picking a particular wavelength for the group.

Re claim 5, Milton disclosed

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The GOADM wherein said first periodic filter and said second periodic filter are one and the same periodic filter enabling simultaneous operation of said two modules. (Figure 3)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton et al.

US 6,631,018 B1 (Milton) in view of Onaka et al. US 6,351,323 B1 (Onaka).

Re claim 6, Milton does not disclose wherein said periodic filter is tunable.

Onaka disclosed tunable filters with band eliminating functions (paragraph 0013).

It would have been obvious to one of ordinary skill in the art at the time of invention to use tunable filters in the Milton invention for the benefit of having flexible filter that operate over a wide range of wavelengths that and thereby reduce the number of different filter types in a large system.

Re claim 7, Milton does not disclose with one or more secondary filters connected to said periodic filter serving a primary filter, the secondary filters being automatically tunable in response to tuning of the periodic filter. It would have been obvious to one of ordinary skill

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in the art at the time of invention to make all the Milton filters operate as tunable filters for the benefit of having flexible filter that operate over a wide range of wavelengths that and thereby reduce the number of different filter types in a large system.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fatehi et al. US 6,519,064 B1 disclosed a scalable modular add/drop architecture.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

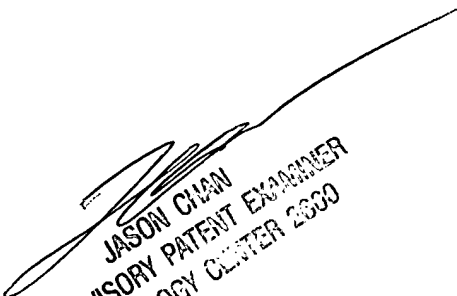
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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